

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

PLEASE TAKE NOTICE that, upon the annexed Memorandum of Points and Authorities, the Declarations in support thereof, and the Exhibits attached thereto, Defendants Terrence P. Collingsworth and Conrad & Scherer, LLP (“Defendants”), move this Court, located at 225 Cadman Plaza East, Brooklyn, New York, 11201, as soon as counsel may be heard, for a protective order, and/or alternatively to quash Plaintiff Drummond Company Inc.’s (“Drummond”) subpoena to third-party Parker Waichman, LLP, pursuant to Federal Rules of Civil Procedure 26(c) and 45(c)(3)(A) on the following grounds: (1) this Court lacks jurisdiction to issue a subpoena requiring the production of documents in Alabama under Fed. R. Civ. P. 45(a)(2)(C); (2) the subpoena seeks documents that are protected by attorney-client privilege and the work-product doctrine; (3) the subpoena is duplicative of discovery already sought from Defendants; and (4) the subpoena is overly broad and lacking in relevance to any claims or defense in the underlying defamation action.

Dated: New York, New York
August 23, 2013

Respectfully submitted,



Thomas M. Mullaney (TM 4274)
The Law Office of Thomas M. Mullaney
489 Fifth Avenue, Suite 1900
New York, New York 10017
212-223-0800 (Tel.)
212-661-9860 (Fax)
tmm@mullaw.org

Counsel for Defendants

TO: William Anthony Davis, III, Esq.
H. Thomas Wells, III, Esq.
Benjamin T. Presley
STARNES DAVIS FLORIE, LLP
P.O. Box 59812
Birmingham, Alabama 35259
TDavis@starneslaw.com
htw@starneslaw.com
btp@starneslaw.com

Sara E Kropf
LAW OFFICE OF SARA KROPF PLLC
1001 G Street NW, Suite 800
Washington, D.C. 20001
sara@kropf-law.com

Counsel for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

DRUMMOND COMPANY, INC.)
Plaintiff,) Civil Action No. _____
v.)
TERRENCE P. COLLINGSWORTH,) (Case No. 2:11-CV-3695-RDP pending
individually and as an agent of Conrad &) in the Northern District of Alabama,
Scherer, LLP; and CONRAD & SCHERER,) Southern Division)
LLP,)
Defendants.)
) **PROPOSED ORDER**
)

On consideration of Defendants' Motion for Protective and/or Motion to Quash
Subpoena to Parker Waichman, LLP, Plaintiff Drummond Company, Inc.'s response thereto, any
reply in support, and the entire record herein, it is, this _____ day of
_____, 2013, hereby:

ORDERED that the Motion to Quash is **GRANTED**.

United States District Judge,
Eastern District of New York